

BEFORE THE TENNESSEE STATE BOARD OF EQUALIZATION
ASSESSMENT APPEALS COMMISSION

Appeal of:	ERNEST W. COLBERT (Cornelia Fort Airport))	
	Map 084-00-0, Parcel 1.01)	Davidson
	Various classifications)	County
	Tax Years 2001-2002)	

FINAL DECISION AND ORDER ON RECONSIDERATION

Statement of the case

These are proceedings on reconsideration of the Commission final decision and order dated November 16, 2004, limited to arguments of counsel. The taxable values and assessments before the Commission are as follows:

<u>Classification</u>	<u>Land Value</u>	<u>Improvement</u>	<u>Total Value</u>	<u>Assessment</u>
Commercial	\$469,952	\$1,278,300	\$1,748,252	\$699,301
Exempt	\$264,348	\$120,400	\$384,748	\$ -0-
Total	\$734,300	\$1,398,700	\$2,133,000	\$699,301

The proceedings on reconsideration were convened on October 26, 2006 before Commission members Stokes (presiding), Gilliam, and White. Mr. Richard Colbert, an attorney, represented the taxpayer, and the assessor was represented by Assistant Metro Attorney Margaret Darby.

Findings of fact and conclusions of law

The subject property is a roughly 21 acre tract and various buildings serving Cornelia Fort Airport, a privately owned, public use airport located on the Cumberland River east of Nashville in the area of Shelby Bottoms. Portions of the property are exempt under Tenn. Code Ann. §67-5-219, and the taxpayer does not protest the values assigned by the assessor to the nonexempt structures. The taxpayer does object to the land values, contending on the basis of testimony by an expert appraiser that the land should be valued at no more than \$12,500 per acre. The appraiser cited the location of the property in a flood zone and analyzed comparable sales of property whose permitted uses included those compatible with the uses surrounding the subject property. Residential uses have evolved around the airport over the years since it was constructed.

The assessor's appraiser supported the present valuation of the property with an analysis of sales of property affected by flood zone location but used or held primarily for industrial uses, indicating a range in value from \$14,000 to

\$63,000 per acre. The appraiser settled on \$35,000 per acre as a reasonable indication of value from his comparable sales.

The Commission finds that the principle issue to be decided is the highest and best use of the property, and the Commission finds that the highest and best use is as the assessor has contended, for commercial or light industrial uses comparable to the present industrial/commercial use. The Commission further finds that the comparable sales most relevant to the valuation of the subject property are those having no rail access, and limiting our consideration to those sales we conclude the subject property should be valued at \$25,000 per acre.

ORDER

It is therefore ORDERED, that the final decision and order dated November 16, 2004 is modified and the value of the subject property is determined as follows:

<u>Classification</u>	<u>Land Value</u>	<u>Improvement</u>	<u>Total Value</u>	<u>Assessment</u>
Commercial	\$335,680	\$1,278,300	\$1,613,980	\$645,292
Exempt	\$188,820	\$120,400	\$384,748	\$ -0-
Total	\$524,500	\$1,398,700	\$1,923,200	\$645,292

This order is subject to:

1. Reconsideration by the Commission, in the Commission's discretion.
Reconsideration must be requested in writing, stating specific grounds for relief and the request must be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.
2. Review by the State Board of Equalization, in the Board's discretion. This review must be requested in writing, state specific grounds for relief, and be filed with the Executive Secretary of the State Board within fifteen (15) days from the date of this order.
3. Review by the Chancery Court of Davidson County. A petition must be filed within sixty (60) days from the date of the official assessment certificate which will be issued when this matter has become final.

Requests for stay of effectiveness will not be accepted.

DATED: Dec. 5, 2006

ATTEST:

Ogden Stokes
Presiding member *by [signature] perm.*

Kelsie Jones
Executive Secretary

cc: Mr. Richard Colbert, Esq.
Mr. Kenny Vinson, Assessor's office
Ms. Margaret Darby, Asst. Metro Atty.